

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5648F

PERMIT 16338

LICENSE _____

ORDER APPROVING A CHANGE IN
PURPOSE OF USE AND PLACE OF USE
AND AMENDING THE PERMIT

WHEREAS:

1. A petition to change purposes of use and place of use has been filed with the State Water Resources Control Board.
2. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 3 of this permit regarding purposes of use is amended to read as follows:

Municipal, Domestic, Industrial and Incidental Power
2. Paragraph 4 of this permit regarding the place of use is amended as follows:

Within the present and potential general service areas of Calaveras Public Utility District, within townships 4N, 5N, and 6N, ranges 11E, 12E and 13E, MDB&M, as shown on Map #1 filed August 24, 1970, and on petition map filed October 26, 1977, and include three powerplants located as follows:
1) within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36, T6N, R12E, MDB&M, 2) within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4, T5N, R12E MDB&M, and 3) within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 24, T5N, R11E, MDB&M.
3. Paragraph 21 is added to the permit as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

4. Paragraph 22 is added to this permit as follows:

The State Water Resources Control Board, under its authority to conserve the public interest, retains continuing authority over this permit to require permittee to develop and implement a water conservation program, after notice and opportunity for hearing. The requirements for this term may be satisfied by permittee's compliance with any comprehensive water conservation program, approved by the State Water Resources Control Board, which may be imposed by a public agency.

5. Paragraph 23 is added to this permit as follows:

Before making any change in the project determined by the State Water Resources Control Board to be substantial, permittee shall submit such change to the Board for its approval in compliance with Water Code Section 10504.5(a).

Dated: JANUARY 30 1984



Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5648F

PERMIT 16338

LICENSE _____

ORDER ALLOWING CHANGE IN PLACE OF USE

WHEREAS:

1. A petition for change in place of use under Permit 16338 has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
2. The change consists of adding the Paloma, California area, as shown on the petition and map, to the existing place of use.
3. The Board has determined that this change in place of use will not operate to the injury of any other legal user of water and that good cause for such change in place of use has been shown.

NOW, THEREFORE, IT IS ORDERED:

1. That permission is hereby granted to change the place of use to a place of use described as follows:

Within the present and potential general service areas of Calaveras Public Utility District, within townships 4N, 5N, and 6N, ranges 11E, 12E, and 13E, MDB&M, as shown on Map #1 filed August 24, 1970, and on petition map filed October 26, 1977.

Dated ~~SEPTEMBER~~ 15 1978



Clint Whitney, Executive Director
Water Rights and Administration

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT No. 16338

Application 5648F of CALAVERAS PUBLIC UTILITY DISTRICT, P. O. BOX 666,
SAN ANDREAS, CALIFORNIA 95249, BEING AN ASSIGNED PORTION OF APPLICATION 5648.

filed on JULY 30, 1927, has been approved by the State Water Resources Control
Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(1) MIDDLE FORK MOKELUMNE RIVER

MOKELUMNE RIVER

(2) SOUTH FORK MOKELUMNE RIVER

MIDDLE FORK MOKELUMNE RIVER

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
(1) NORTH 52°07'26" WEST 3,752.12 FEET FROM SE CORNER OF SECTION 8, T6N, R14E, MDB&M	NE ¼ of SW ¼	8	6N	14E	MD
(2) SOUTH 30°21'41" WEST 1,578.8 FEET FROM NE CORNER OF SECTION 23, T6N, R13E, MDB&M	SE ¼ of NE ¼	23	6N	13E	MD
	¼ of ¼				
POINT OF REDIVERSION AT JEFF DAVIS RESERVOIR	¼ of ¼				
NORTH 1°16'57" EAST 1,680.7 FEET FROM SW CORNER OF SECTION 27, T6N, R13E, MDB&M	NW ¼ of SW ¼	27	6N	13E	MD
	¼ of ¼				

County of CALAVERAS

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
MUNICIPAL, DOMESTIC AND						
INDUSTRIAL	WITHIN THE PRESENT AND POTENTIAL GENERAL SERVICE AREAS OF CALAVERAS PUBLIC UTILITY DISTRICT, WITHIN TOWNSHIPS 4N, 5N AND 6N, RANGES 11E, 12E AND 13E, MDB&M, AS SHOWN ON MAP #1 FILED AUGUST 24, 1970.					

The place of use is shown on map filed with the State Water Resources Control Board.

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED AND SHALL NOT EXCEED 2,130 ACRE-FEET PER ANNUM TO BE COLLECTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR. THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 15 CUBIC FEET PER SECOND.

6. THE MAXIMUM QUANTITY HEREIN STATED MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS.

7. THE SAFE YIELD DEVELOPED UNDER THIS PERMIT, TOGETHER WITH ALL OTHER PRIOR RIGHTS OF PERMITTEE SHALL NOT EXCEED 6,656 ACRE-FEET PER YEAR AND SHALL BE A PART OF THE 27,000 ACRE-FEET PER ANNUM RESERVED FOR USE IN CALAVERAS COUNTY PURSUANT TO THE RELEASE FROM PRIORITY OF APPLICATIONS 5647 AND 5648 BY THE DEPARTMENT OF WATER RESOURCES TO EAST BAY MUNICIPAL UTILITY DISTRICT DATED MARCH 5, 1959, AND AS SET FORTH IN THE AGREEMENTS BETWEEN CALAVERAS PUBLIC UTILITY DISTRICT AND EAST BAY MUNICIPAL UTILITY DISTRICT DATED MAY 8, 1940 AND JANUARY 13, 1970.

8. ACTUAL CONSTRUCTION WORK SHALL BEGIN ON OR BEFORE NINE MONTHS FROM DATE OF PERMIT AND SHALL THEREAFTER BE PROSECUTED WITH REASONABLE DILIGENCE, AND IF NOT SO COMMENCED AND PROSECUTED, THIS PERMIT MAY BE REVOKED.

9. SAID CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1974.

10. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 2010.

11. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED.

12. ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT, INCLUDING METHOD OF DIVERSION, METHOD OF USE AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER. 0000012

13. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES. 0000013

14. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD, REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT. 0000011

15. IN ACCORDANCE WITH THE REQUIREMENTS OF WATER CODE SECTION 1393, PERMITTEE SHALL CLEAR THE SITE OF THE PROPOSED RESERVOIR OF ALL STRUCTURES, TREES AND OTHER VEGETATION WHICH WOULD INTERFERE WITH THE USE OF THE RESERVOIR FOR WATER STORAGE AND RECREATIONAL PURPOSES. 0120050

16. STORAGE OF WATER SHALL NOT BE COMMENCED UNTIL THE DEPARTMENT OF WATER RESOURCES HAS APPROVED PLANS AND SPECIFICATIONS FOR THE DAM. 0360048

17. BEFORE MAKING ANY CHANGE IN THE PROJECT DETERMINED BY THE STATE WATER RESOURCES CONTROL BOARD TO BE SUBSTANTIAL, PERMITTEE SHALL SUBMIT SUCH CHANGE TO THE BOARD FOR ITS APPROVAL IN COMPLIANCE WITH WATER CODE SECTION 10504.5. 0000119

~~5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed~~

4 18. PERMITTEE SHALL INSTALL MEASURING DEVICES AND REPORT ANNUALLY TO THE BOARD THE FOLLOWING:

- A. DAILY MEAN MEASUREMENTS OF AMOUNTS DIVERTED FROM THE MIDDLE FORK MOKELUMNE RIVER
- B. DAILY MEAN MEASUREMENTS OF AMOUNTS DIVERTED FROM THE SOUTH FORK MOKELUMNE RIVER
- C. DAILY MEASUREMENTS OF THE CONTENTS OF JEFF DAVIS RESERVOIR

0050300

5 19. FOR THE MAINTENANCE OF FISH LIFE, PERMITTEE SHALL PROVIDE IMMEDIATELY BELOW THE PROPOSED POINT OF DIVERSION ON THE SOUTH FORK MOKELUMNE RIVER, WHICH IS IMMEDIATELY BELOW THE CONFLUENCE OF THE LICKING FORK MOKELUMNE RIVER WITH THE SOUTH FORK MOKELUMNE RIVER, A FLOW OF FIVE CUBIC FEET PER SECOND OR THE NATURAL FLOW AT THAT POINT ON THE SOUTH FORK MOKELUMNE RIVER, WHICHEVER IS LESS. DURING DRY YEARS THE FLOW TO BE PROVIDED IMMEDIATELY BELOW THE PERMITTEE'S PROPOSED POINT OF DIVERSION MAY BE REDUCED BY THE PERMITTEE TO THREE CUBIC FEET PER SECOND OR THE NATURAL FLOW WHICHEVER IS LESS. A DRY YEAR IS HEREBY DEFINED AS ONE IN WHICH THE APRIL 1ST FORECAST OF RUNOFF MADE BY THE DEPARTMENT OF WATER RESOURCES, OR SUCH OTHER FORECAST AS THIS BOARD MAY SELECT, INDICATES THE SURFACE FLOW IN THE COMING YEAR WILL BE 50 PER CENT OF NORMAL RUNOFF OR LESS. THE PROVISIONS OF THIS PERMIT TERM SHALL BE SUBJECT TO THE CONTINUING JURISDICTION OF THE STATE WATER RESOURCES CONTROL BOARD, AND THE MAGNITUDE OF THESE FLOWS WILL BE RECONSIDERED BY THE BOARD IN 20 YEARS UNLESS IT IS REQUESTED TO RECONSIDER THIS MATTER BEFORE THAT TIME BY EITHER THE PERMITTEE OR THE DEPARTMENT OF FISH AND GAME.

THE PROVISIONS OF THIS PERMIT TERM ARE BASED UPON A BILATERAL AGREEMENT BETWEEN PERMITTEE AND THE DEPARTMENT OF FISH AND GAME AND SHALL NOT BE CONSTRUED AS A FINDING BY THE STATE WATER RESOURCES CONTROL BOARD THAT THE AMOUNT OF WATER NAMED HEREIN IS EITHER ADEQUATE OR REQUIRED FOR THE MAINTENANCE OF FISH LIFE.

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6 20. THE BOARD RESERVES JURISDICTION TO CONSIDER THE CHANGE IN PLACE OF USE PROPOSED IN THE PETITION OF THE PERMITTEE SUBMITTED AT THE HEARING OF APPLICATION 5648F.

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This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: DEC 13 1971

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward
Chief, Division of Water Rights

AGREEMENT

This Agreement entered into by and between CALAVERAS COUNTY WATER DISTRICT (hereinafter CCWD) and EARL E. WALSH and NONDINE R. WALSH (hereinafter WALSHS).

W I T N E S S E T H

WHEREAS, WALSHS own the real property situated in the County of Calaveras, State of California, situated in the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 11, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec 12, all in T. 6 N., R. 13 E., M.D.B. & M., as described in Book 140, Page 498, Official Records of Calaveras County, California and;

WHEREAS, WALSHS have a right to take water from Bear Creek for the benefit of their property which right was first established of record on February 12, 1859 and is described in that certain Judgment entered by the Superior Court of California, County Calaveras on January 15, 1965, in Case No. 5430 entitled EARL E. WALSH and NONDINE R. WALSH v. CALAVERAS COUNTY WATER DISTRICT and West Point Improvement District and;

WHEREAS CCWD holds an appropriative water right, Permit Number 15452 on Bear Creek for the purpose of providing domestic water for the West Point area, which water right is subordinate to the water right owned by WALSHS and;

WHEREAS, in order to best utilize the water supplies on Bear Creek, the parties wish to enter into an agreement for the joint use of existing facilities and allocation and exchange of water.

RESOLUTION NO. 90-24

BE IT RESOLVED that the Board of Directors of CALAVERAS COUNTY WATER DISTRICT does hereby authorize the execution of an Agreement with EARL L. AND NONDINE R. WALSH relative to a Water Rights issue in the West Point area involving the Bear Creek Diversion, more specifically set forth in the Agreement, attached here to and made a part hereof.

BE IT FURTHER RESOLVED that the President or General Manager are hereby authorized to execute said Agreement.

PASSED AND ADOPTED this 8th day of March, 1990, by the following vote:

AYES: Directors Weinkle, Dooley, Neilsen, Gleason and Queirolo

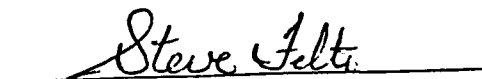
NOES: None

ABSENT: None

CALAVERAS COUNTY WATER DISTRICT


President

ATTEST:


Secretary

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. CCWD will deliver water through a two (2) inch pipeline from the "West Point Regulating Dam" to the WALSHS' property line at the sole cost and expense of CCWD. WALSHS shall at their sole cost and expense construct the necessary facilities from their property line to the point of use. Each party will maintain their respective water lines and water works.

2. It is the intent of the parties that to better utilize the supply of water from Bear Creek and to preserve the water rights of each party, WALSHS be allowed to divert water therefrom for storage and use commencing when Bear Creek Diversion is spilling and as hereinafter provided.

3. CCWD will deliver 25 gallons per minute through the facilities to WALSHS commencing at such time that Bear Creek Diversion is spilling each winter and will continue to deliver said 25 gallons per minute until the Bear Creek Diversion no longer spills. At that time water delivery to WALSHS will cease. In the event CCWD is able to deliver amount larger than 25 gallons per minute or for periods longer than stated above and WALSHS can make beneficial use of additional water, delivery may be made of that water.

4 CCWD shall be allowed to divert at the CCWD Bear Creek Diversion and beneficially use all amounts of excess water belonging to WALSHS and not used by WALSHS.

5. WALSHS shall not take water through their present delivery system (from their diversion point at Bear Creek) but shall instead use the new delivery system described above, except that for purposes of maintenance and preservation of the present diversion system, WALSHS shall be entitled to occasionally use the same at times when the CCWD Bear Creek Diversion is spilling.

6. In the event that either party desires to terminate this agreement, a written notice is to be provided to the other six months prior to termination so the parties may pursue an alternative cooperative system or WALSHS may reactivate their original system.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first hereinabove written.

Dated: Feb 25, 1990

Earl Walsh
EARL WALSH

Nondine R. Walsh
NONDINE R. WALSH

Dated: March 8, 1990

CALAVERAS COUNTY WATER
DISTRICT

R. Juarez
President

ATTEST:

Steve Feltz
Secretary